

1 DANIEL G. BOGDEN  
2 United States Attorney

3 GREG ADDINGTON  
4 Nevada State Bar No. 6875  
5 Assistant United States Attorney  
6 100 West Liberty Street, Suite 600  
7 Reno, Nevada 89501  
8 Telephone: (775) 784-5438  
9 Facsimile: (775) 784-5181

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 NORMAND BERGERON,

13 Case No. 3:13-cv-625-MMD-WGC

14 Plaintiff,

15 JOINT STATUS REPORT AND JOINT  
16 REQUEST TO CONTINUE STATUS  
17 CONFERENCE

18 v.  
19 DEPARTMENT OF JUSTICE-BUREAU OF  
20 ALCOHOL, TOBACCO, FIREARMS AND  
21 EXPLOSIVES,

22 Defendant.

23 In accordance with the Court's directive at the conclusion of the March 6, 2015, status  
24 conference (#33), the parties submit the following joint status report. As described below, the parties  
also request that the April 27 status conference be continued to a date in late May or early June, 2015.

25 1. At the March 6 status conference, the Court approved the parties' request that further  
26 proceedings be deferred until after plaintiff identified specific redactions or withheld pages that  
27 plaintiff intended to challenge and after defendant ATF had an opportunity to review those challenged  
28 materials.

29 2. ATF has prepared a supplemental index describing in a page-by-page format the  
30 redactions and withheld pages with respect to the additional materials identified by ATF as responsive  
31 to plaintiff's FOIA requests. This supplemental index, together with the similar index attached to the

1 Boucher declaration (#28, Exhibit V (#28-22)), describe ATF's page-by-page determinations of the  
2 FOIA exemptions which ATF believes support the redactions and withheld pages regarding all of  
3 plaintiff's FOIA requests.

4       3. Plaintiff has reviewed the supplemental index prepared by ATF and has identified  
5 approximately 18 pages of materials which were either withheld or which contain redactions based on  
6 claimed FOIA exemptions. It is plaintiff's view that the claimed exemptions on those pages do not  
7 support ATF's redactions or decision to withhold pages.

8       4. Plaintiff will provide ATF counsel with the specific pages which contain the redactions  
9 being challenged by plaintiff, as described in paragraph 3, above. ATF counsel will review those pages  
10 to ascertain whether 1) a supplemental index or declaration would be suitable and/or 2) an *in camera*  
11 review of the challenged materials by the Court would be suitable in order to efficiently present the  
12 remaining issues to the Court for adjudication.

13       5. As indicated in the prior status report (#32), no discovery is anticipated in this action.

14       6. The parties jointly propose that the April 27 status conference be continued to a date in late  
15 May or early June, 2015, so that the parties may proceed with their respective actions described in  
16 paragraph 4, above, and thereafter report to the Court regarding appropriate further proceedings.

17       \_\_\_\_\_  
18       /s/ Normand Bergeron  
NORMAND BERGERON  
Plaintiff

19       \_\_\_\_\_  
/s/ Greg Addington  
GREG ADDINGTON  
Assistant United States Attorney

20 IT IS SO ORDERED

Date: April 16, 2015.

21       \_\_\_\_\_  
*Walter G. Cobb*  
UNITED STATES MAGISTRATE JUDGE